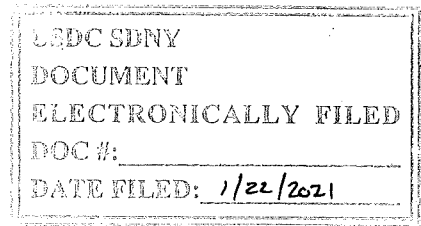


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
 -----X
 KRISTYN VANDERBERG-REED,
 Plaintiff,

v.

 MOUNT VERNON and DEBORAH
 REYNOLDS, *individually and in her official*
capacity as comptroller of Mount Vernon,
 Defendants.
 -----X
ORDER

20 CV 5877 (VB)

On July 28, 2020, plaintiff Kristyn Vanderberg-Reed commenced the instant action against defendants Mount Vernon and Deborah Reynolds. (Doc. #3).

On July 31, 2020, the Clerk issued a summons as to defendant Mount Vernon. (Doc. #6).

On August 8, 2020, plaintiff docketed proof of service indicating service on defendant Mount Vernon. (Doc. #7). Accordingly, defendant Mount Vernon had until August 24, 2020, to respond to the complaint. See Fed. R. Civ. P. 12(a)(1)(A)(i).

On August 10, 2020, plaintiff docketed a waiver of service for defendant Reynolds. (Doc. #8). Accordingly, defendant Reynolds had until September 28, 2020, to respond to the complaint. See Fed. R. Civ. P. 12(a)(1)(A)(ii).

On September 28, 2020, defendant Deborah Reynolds filed an answer to the complaint. (Doc. #9).

On September 29, 2020, the Court issued an order directing plaintiff to seek a certificate of default as to defendant Mount Vernon and thereafter to move, by other to show cause, for default judgment against defendant Mount Vernon, provided defendant Mount Vernon remain in default. (Doc. #12).

On October 6, 2020, the Court so ordered plaintiff and defendant Mount Vernon's stipulation extending the time by which defendant Mount Vernon was to move, answer, or otherwise respond to the complaint to October 30, 2020. (Doc. #16).

On October 29, 2020, the Court so ordered the parties' stipulation extending the time by which defendant Mount Vernon was to move, answer, or otherwise respond to the complaint to November 30, 2020. (Doc. #18).

On December 2, 2020, the Court so ordered the parties' stipulation extending the time by which defendant Mount Vernon were to move, answer, or otherwise respond to the complaint to December 30, 2020. (Doc. #20).

To date, defendant Mount Vernon has failed to answer, move, or otherwise respond to the complaint.

On January 21, 2021, the Court ordered plaintiff to seek certificates of default as to both defendants by February 5, 2021, and thereafter to move, by order to show cause and in accordance with the Court's Individual Practices, for default judgment against defendants by February 19, 2021.

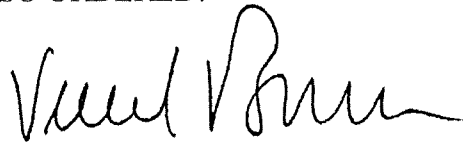
Because defendant Deborah Reynolds has answered, the Court VACATES its previous January 21, 2021, Order. (Doc. #22).

Accordingly, provided that defendant Mount Vernon remains in default, plaintiff is ORDERED to seek a certificate of default as to defendant Mount Vernon by February 5, 2021, and thereafter to move, by order to show cause and in accordance with the Court's Individual Practices, for default judgment against defendant Mount Vernon by February 19, 2021. **If plaintiff fails to satisfy either deadline, the Court may dismiss the case without prejudice for failure to prosecute or failure to comply with court orders. Fed. R. Civ. P. 41(b).**

The Clerk is directed to VACATE the Order dated January 21, 2021. (Doc. #22).

Dated: January 22, 2021
White Plains, NY

SO ORDERED:

A handwritten signature in black ink, appearing to read 'Vincent Briccetti', written over a horizontal line.

Vincent L. Briccetti
United States District Judge